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OFFICE OF PETITIONS

In re Application of
Glenn et al.
Application No. 10/671,640
Filed: 09-26-2003
Attorney Docket No. 3121.001

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed June 4, 2007, to withdraw the holding of abandonment for the above-identified application.

On June 26, 2006, the Office mailed a nonfinal Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on September 27, 2006. A Notice of Abandonment was mailed on March 9, 2007.

In the petition, the practitioner asserted that he did not receive the nonfinal Office Action because the USPTO mailed the nonfinal Office action to an incorrect correspondence address. The practitioner stated that on March 18, 2004, the USPTO erroneously entered a change of power of attorney and correspondence address intended for a different application, number 10/670,640. The practitioner contended that this change caused all further correspondence from the USPTO to be sent to another law firm. The practitioner submitted a request to correct the power of attorney and change the correspondence address of record. Additionally, the practitioner requested that the Office withdraw the holding of abandonment, re-mail the Office action, and restart the period for reply.

A review of the record indicates that the Office incorrectly entered a power of attorney and change of correspondence address intended for a different application. Consequently, the nonfinal Office action was mailed to the wrong address. It is obvious from the record that the practitioner did not receive the nonfinal Office action of June 26, 2006.

The Office has corrected the correspondence address and made it of record. The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

Technology Center Art Unit 3733 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for mailing of a new nonfinal Office Action. The three (3) month shortened statutory time period for responding to the nonfinal Office Action will be set to run from the mailing date of the new nonfinal Office Action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

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